FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
CIVIL APPLICATION NO: 1309/2007 IN
FIRST APPEAL NO: 152/2007
(Smt. Nirmalabai wd/o Gopichand Jibhkate and othrs vs. Bakaram Padole)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

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Mr. Deepak Gupta, Adv. for applicants
Mr.Talmale Adv.for Respondent No.1

CORAM: SMT. Vasanti A. Naik, J.
DATED: 27th AUGUST, 2007.

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Heard.

Since this First Appeal is admitted by an order dated 28.2.2007, it is necessary to continue the interim order passed by this Court on 28.2.2007 during pendency of this First Appeal.

Mr. Talmale, learned counsel for respondents however, submits that respondents have deposited an amount of Rs. 2,55,957 towards balance consideration in the trial Court. In the facts and circumstances of the case it would be necessary to direct the trial Court to deposit the amount

deposited by the respondents in the trial Court in a fixed deposit account of a nationalised bank initially for a period of three years and the same should be renewed thereafter during pendency of the First Appeal. Since the suit filed by the respondents is decreed with costs, it would be necessary in the interest of justice to further direct the trial Court to permit the respondents to withdraw an amount payable towards cost from the amount of Rs. 2,55, 957/- deposited by respondents in the trial Court. The appellant is hereby restrained from creating any third party interest in the suit property during pendency of the First Appeal. The Trial Court should place the balance amount deposited by the respondents in the trial Court after deducting the costs which are payable to the respondents, in a fixed deposit account as stated aforesaid in this order. Civil Application is disposed of in the aforesaid terms.

JUDGE

sahare